

ESTTA Tracking number: **ESTTA690965**

Filing date: **08/21/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222795
Party	Defendant MOLINOS IP S.A.
Correspondence Address	JANICE HOUSEY SYMBUS LAW GROUP LLC PO BOX 11085 MC LEAN, VA 22102-7985  jhousey@symbus.com
Submission	Answer
Filer's Name	Janice Housey
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Signature	/janice housey/
Date	08/21/2015
Attachments	91222795 EMILIA Answer 8-21-15.pdf(54376 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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CONSORZIO TUTELA VINI EMILIA  
Opposer,

v.

MOLINOS IP S.A.  
Applicant.  
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Opposition No. 91222795  
Serial No. 85725718, 85733729

**ANSWER**

1. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
2. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
3. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
4. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
5. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
6. Applicant admits that it appears that Opposer is the owner of U.S. Reg. No. 4,545,990 but denies any inferences arising therefrom.
7. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.

8. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
9. Applicant admits that it filed two applications but is confused by the apparent missing phrase(s) in this allegation.
10. This paragraph does not contain an assertion of fact and therefore, no answer is required.
11. This paragraph does not contain an assertion of fact and therefore, no answer is required.
12. (*sic*) Applicant admits that it does not produce and does not intend to produce wine in the geographic area of Emilia in Italy. Applicant denies the remaining allegations.
12. Applicant admits that it is a Swiss corporation. Applicant denies the remaining allegations in this paragraph.
13. Applicant denies.
14. Applicant denies.
15. This paragraph does not contain an assertion of fact and therefore, no answer is required.
16. Applicant denies.
17. Applicant admits.
18. Applicant denies.
19. Applicant denies.
20. Applicant is without sufficient information to admit or deny the allegations in this paragraph and therefore, denies the same.
21. Applicant denies.
22. This paragraph does not contain an assertion of fact and therefore, no answer is required.
23. Applicant admits that it is seeking registration for two marks containing the word EMILIA in connection with wine. Applicant denies the remaining allegations in this paragraph.

24. Applicant denies.
25. Applicant denies.
26. Applicant denies.
27. Applicant denies.
28. Applicant denies.
29. Applicant admits that if granted registration for the marks herein opposed, it would obtain thereby at least a *prima facie* exclusive right to use the mark for the goods identified in the registration[s]. Applicant denies the remaining allegations in this paragraph.

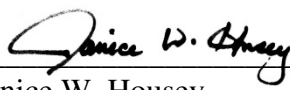
#### **AFFIRMATIVE DEFENSES**

1. Opposer does not have exclusive rights in the word EMILIA.
2. Applicant reserves the right to amend its answer and to assert additional defenses upon the discovery of more definitive facts and upon the completion of a continuing investigation and discovery.

Respectfully submitted,

MOLINOS IP S.A.

Date: August 21, 2015

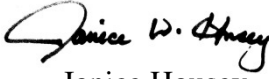
  
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Janice W. Housey  
Counsel for Applicant

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## **CERTIFICATE OF SERVICE**

On this 21st day of August 2015, a true and correct copy of this ANSWER is being sent via First Class Mail, postage prepaid, to:

Paola A. Strino  
Gibbons PC  
One Penn Plaza, 37th Floor  
New York, NY 10119

  
Janice Housey